


Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form

(Note: Do not use this form if there is no secondary containment)

These Findings, Alleged Violations and Penalties are issued by EPA Region 6 under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(I) of the Clean Water Act, as amended by the Oil Pollution Act of 1990

Company Name Polk Operating Company		Docket Number CWA -06-20	
Facility Name Polk R3 Facility		Date 6/4/2015	
Address P.O. Box 1271		Inspection Number FY-INSP-Spec-OK-00088	
City Bowie		Inspectors Name Tom McKay	
State TX	Zip Code 76230	EPA Approving Official Donald P. Smith	
Contact Mickey Polk		Enforcement Contacts	

Summary of Findings (Bulk Storage Facilities)

GENERAL TOPICS: 112.3(a), (d), (e); 112.5(a), (b), (c); 112.7 (a), (b), (c), (d)
(When the SPCC Plan review penalty exceeds \$1,500.00 enter only the maximum allowable of \$1,500.00)

- | | | |
|-------------------------------------|--|------------|
| <input checked="" type="checkbox"/> | No Spill Prevention Control and Countermeasure Plan-112 3 | \$1,500.00 |
| <input type="checkbox"/> | Plan not certified by a professional engineer- 112 3(d) | 450 00 |
| <input type="checkbox"/> | Certification lacks one or more required elements - 112 3(d)(1) | 100 00 |
| <input type="checkbox"/> | No management approval of plan- 112 7 | 450.00 |
| <input type="checkbox"/> | Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review - 112 3(e)(1) | 300 00 |
| <input type="checkbox"/> | No evidence of five-year review of plan by owner/operator- 112 5(b) | 75 00 |
| <input type="checkbox"/> | No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential- 112 5(a) | 75 00 |
| <input type="checkbox"/> | Amendment(s) not certified by a professional engineer- 112 5(c) | 150 00 |
| <input type="checkbox"/> | Plan does not follow sequence of the rule and/or cross-reference not provided- 112 7 | 150 00 |
| <input type="checkbox"/> | Plan does not discuss additional procedures/methods/equipment not yet fully operational- 112 7 | 75 00 |
| <input type="checkbox"/> | Plan does not discuss alternative environmental protection to SPCC requirements- 112 7(a)(2) | 200.00 |



<input type="checkbox"/>	Plan has inadequate or no facility diagram- 112 7(a)(3)	75 00
<input type="checkbox"/>	Inadequate or no listing of type of oil and storage capacity layout of containers- 112 7(a)(3)(i)	50.00
<input type="checkbox"/>	Inadequate or no discharge prevention measures- 112 7(a)(3)(ii)	50.00
<input type="checkbox"/>	Inadequate or no description of drainage controls- 112 7(a)(3)(iii)	50.00
<input type="checkbox"/>	Inadequate or no description of countermeasures for discharge discovery, response and cleanup- 112 7(a)(3)(iv) ..	50.00
<input type="checkbox"/>	Recovered materials not disposed of in accordance with legal requirements- 112 7(a)(3)(v)	50.00
<input type="checkbox"/>	No contact list & phone numbers for response & reporting discharges- 112 7(a)(3)(vi)	50.00
<input type="checkbox"/>	Plan has inadequate or no information and procedures for reporting a discharge- 112 7(a)(4)	100.00
<input type="checkbox"/>	Plan has inadequate or no description and procedures to use when a discharge may occur- 112.7(a)(5)	150.00
<input type="checkbox"/>	Inadequate or no prediction of equipment failure which could result in discharges- 112 7(b)	150.00
<input type="checkbox"/>	Plan does not discuss and facility does not implement appropriate containment/diversionary structures/equipment- 112 7(c)	400 00

- If claiming impracticability of appropriate containment/diversionary structures

<input type="checkbox"/>	Impracticability has not been clearly denoted and demonstrated in plan- 112 7(d)	100.00
<input type="checkbox"/>	No contingency plan- 112 7(d)(1)	150.00
<input type="checkbox"/>	No written commitment of manpower, equipment, and materials- 112.7(d)(2)	150.00
<input type="checkbox"/>	No periodic integrity and leak testing , if impracticability is claimed - 112 7(d)	150.00
<input type="checkbox"/>	Plan has no or inadequate discussion of general requirements not already specified-112.7(j)	75.00

QUALIFIED FACILITY REQUIREMENTS: 112.6

<input type="checkbox"/>	Qualified Facility: No Self certification- 112.6(a)	450.00
<input type="checkbox"/>	Qualified Facility: Self certification lacks required elements- 112 6(a)	100.00
<input type="checkbox"/>	Qualified Facility: Technical amendments not certified- 112 6(b)	150.00
<input type="checkbox"/>	Qualified Facility: Un-allowed deviations from requirements- 112.6(c)	100.00
<input type="checkbox"/>	Qualified Facility: Environmental Equivalence or Impracticability not certified by PE- 112 6(d)	350.00

WRITTEN PROCEDURES AND INSPECTION RECORDS 112.7(e)

<input type="checkbox"/>	Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - 112 7(e)	75.00
<input type="checkbox"/>	Inspections and tests required are not in accordance with written procedures developed for the facility- 112 7(e) ..	75.00
<input checked="" type="checkbox"/>	No Inspection records were available for review - 112.7(e)	200 00

- Written procedures and/or a record of inspections and/or customary business records

- ☐ Are not signed by appropriate supervisor or inspector- 112 7(e) .. 75 00
- ☐ Are not maintained for three years- 112 7(e) .. 75 00

PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)

- ☒ No training on the operation and maintenance of equipment to prevent discharges and or facility operations - 112 7(f)(1) .. 75 00
- ☒ No training on discharge procedure protocols- 112 7(f)(1) .. 75.00
- ☒ No training on the applicable pollution control laws, rules, and regulations and/or SPCC plan- 112 7(f)(1). ... 75 00
- ☒ Training records not maintained for 3 years- 112.7(f)(1) .. 75 00
- ☒ No designated person accountable for spill prevention- 112 7(f)(2) .. 75 00
- ☒ Spill prevention briefings are not scheduled and conducted at least annually- 112 7(f)(3) .. 75 00
- ☐ Plan has inadequate or no discussion of personnel and spill prevention procedures-112 7(a)(1) .. 75 00

SECURITY (excluding Production Facilities) 112.7(g)

- ☐ Facility not fully fenced and entrance gates are not locked and/or guarded when plant is unattended or not in production- 112 7(g)(1). 150 00
- ☐ Master flow and drain valves that permit direct outward flow to the surface are not secured in closed position when in a non-operating or standby status- 112.7(g)(2) 300 00
- ☐ Starter controls on pumps are not locked in the "off" position or located at a site accessible only to authorized personnel when pumps are not in a non-operating or standby status- 112 7(g)(3)... .. 75 00
- ☐ Loading and unloading connection(s) of piping/pipelines are not capped or blank-flanged when not in service or standby status- 112 7(g)(4).... .. 75 00
- ☐ Facility lighting not adequate to facilitate the discovery of spills during hours of darkness and to deter vandalism- 112 7(g)(5).... .. 150 00
- ☐ Plan has inadequate or no discussion of facility security-112 7(a)(1) .. 75 00

FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING 112.7(c) and/or (h-j)

- ☐ Inadequate containment for Loading Area (not consistent with 112.7(c)) - 112 7(c). 400 00
- ☒ Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112 7(h)(1) 750 00
- ☐ Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck- 112 7(h)(1). 450 00
- ☐ There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake interlock system to prevent vehicular departure before complete disconnect from transfer lines- 112 7(h)(2) . . 300 00

- ☐ There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck- 112 7(h)(3). 150 00
- ☐ Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack-112 7(a)(1) 75.00

QUALIFIED OIL OPERATIONAL EQUIPMENT 112.7(k)

- ☐ Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure and/or a discharge- 112 7(k)(2)(i) 150.00
- ☐ Failure to provide an oil spill contingency plan- 112 7(k)(2)(ii)(A) 150.00
- ☐ No written commitment of manpower, equipment, and materials- 112.7(k)(2)(ii)(B) 150 00

FACILITY DRAINAGE 112.8(b) & (c)

- ☐ Secondary Containment circumvented due to containment bypass valves left open and/or pumps and ejectors not manually activated to prevent a discharge- 112 8(b)(1)&(2) and 112 8(c)(3)(i). 600.00
- ☐ Dike water is not inspected prior to discharge and/or valves not open & resealed under responsible supervision- 112 8(c)(3)(ii)&(iii) 450 00
- ☐ Adequate records (or NPDES permit records) of drainage from diked areas not maintained- 112 8(c)(3)(iv) 75.00
- ☐ Drainage from undiked areas do not flow into catchment basins ponds, or lagoons, or no diversion systems to retain or return a discharge to the facility- 112.8(b)(3)&(4) 450.00
- ☐ Two "lift" pumps are not provided for more that one treatment unit- 112 8(b)(5) 50 00
- ☐ Plan has inadequate or no discussion of facility drainage-112 7(a)(1) 75 00

BULK STORAGE CONTAINERS 112.8(c)

- ☐ Plan has inadequate or no risk analysis and/or evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i) 75.00
- ☐ Failure to conduct evaluation of field-constructed aboveground tanks for brittle fracture- 112 7(i).. . . . 300 00
- ☒ Material and construction of tanks not compatible to the oil stored and the conditions of storage such as pressure and temperature- 112 8(c)(1). 450.00
- ☒ Secondary containment appears to be inadequate- 112 8(c)(2) 750.00
- ☐ Containment systems, including walls and floors are not sufficiently impervious to contain oil- 112 8(c)(2) 375.00
- ☒ Excessive vegetation which affects the integrity 150.00
- ☐ Walls of containment system slightly eroded or have low areas 300.00
- ☐ Completely buried tanks are not protected from corrosion or are not subjected to regular pressure testing- 112 8(c)(4). 150.00
- ☐ Partially buried tanks do not have buried sections protected from corrosion- 112 8(c)(5). 150.00

- ☐ Aboveground tanks are not subject to visual inspections- 112.8(c)(6) 450 00
- ☒ Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc.- 112 8(c)(6). 450.00
- ☐ Records of inspections (or customary business records) do not include inspections of tank supports/foundation, deterioration, discharges and/or accumulations of oil inside diked areas- 112 8(c)(6). 75 00
- ☐ Steam return /exhaust of internal heating coils which discharge into an open water course are not monitored, passed through a settling tank, skimmer, or other separation system- 112 8(c)(7).. 150 00
- ☒ Tank battery installations are not in accordance with good engineering practice because none of the following are present- 112 8(c)(8) 450 00
- ☐ No testing of liquid level sensing devices to ensure proper operation- 112.8(c)(8)(v).. 75 00
- ☐ Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills- 112 8(c)(9) 150 00
- ☒ Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected- 112 8(c)(10) 450 00
- ☐ Mobile or portable storage containers are not positioned to prevent discharged oil from reaching navigable water- 112 8(c)(11) 150 00
- ☐ Secondary containment inadequate for mobile or portable storage tanks- 112 8(c)(11) 500 00
- ☐ Plan has inadequate or no discussion of bulk storage tanks-112 7(a)(1) 75 00

FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS 112.8(d)

- ☐ Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection -112 8(d)(1). 150 00
- ☐ Corrective action is not taken on exposed sections of buried piping when deterioration is found- 112 8(d)(1) . . . 450 00
- ☐ Not-in-service or standby piping are not capped or blank-flanged and marked as to origin- 112.8(d)(2)... 75.00
- ☐ Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction- 112 8(d)(3). 75.00
- ☒ Aboveground valves, piping and appurtenances are not inspected regularly- 112.8(d)(4) 300 00
- ☐ Periodic integrity and leak testing of buried piping is not conducted- 112 8(d)(4)... 150 00
- ☐ Vehicle traffic is not warned of aboveground piping or other oil transfer operations- 112 8(d)(5) 150 00
- ☐ Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process-112 7(a)(1) ... 75 00
- ☐ Plan does not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Part 112.20(e) 150 00
(Do not use this if FRP subject, go to traditional enforcement)

TOTAL 5150

5075